NAYS-200

Abercrombie Hall Oberstar Hastings (FL) Ackerman Obey Alexander Olver Allen Hinchey Ortiz Andrews Hinojosa Pallone Hoeffel Pascrell Baird Holden Pastor Baldwin Holt Pavne Ballance Honda Pelosi Hooley (OR) Becerra Peterson (MN) Bell Hoyer Pomerov Berkley Inslee Price (NC) Berman Israel Rahall Jackson (IL) Berry Rangel Bishop (GA) Jackson-Lee Reves Bishop (NY) (TX) Rodriguez Blumenauer Jefferson Ross Boswell John Rothman Johnson, E. B. Boucher Roybal-Allard Boyd Jones (OH) Brady (PA) Ruppersberger Kanjorski Rush Brown (OH) Kaptur Ryan (OH) Kennedy (RI) Brown, Corrine Kildee Sabo Capps Sanchez, Linda Kilpatrick Capuano Cardin Kind Kleczka Sanchez, Loretta Cardoza Carson (IN) Sanders Kucinich Sandlin Carson (OK) Lampson Schakowsky Case Langevin Clav Schiff Lantos Clyburn Larsen (WA) Scott (GA) Conyers Larson (CT) Scott (VA) Cooper Lee Serrano Costello Levin Sherman Lewis (GA) Crowley Skelton Lipinski Cummings Slaughter Davis (AL) Lofgren Smith (WA) Lowey Lucas (KY) Davis (CA) Snyder Davis (FL) Solis Davis (IL) Lynch Spratt Maiette Davis (TN) Stark Maloney DeFazio Stenholm Markey DeGette Strickland Marshall Delahunt Stupak DeLauro Matheson Tanner Deutsch Matsui Tauscher McCarthy (MO) Dicks Taylor (MS) Dingell McCarthy (NY) Thompson (CA) Doggett McCollum Thompson (MS) Dooley (CA) McDermott Tierney McGovern Doyle Towns Emanuel McIntyre Turner (TX) McNulty Engel Udall (CO) Eshoo Meehan Udall (NM) Etheridge Meek (FL) Van Hollen Meeks (NY) Evans Velazquez Menendez Farr Visclosky Fattah Michaud Miller (NC) Waters Filner Miller, George Watson Ford Watt Frank (MA) Mollohan Waxman Frost Moore Moran (VA) Gonzalez Weiner Wexler Gordon Murtha Green (TX) Nadler Woolsey Grijalva Napolitano Wıı Gutierrez Neal (MA) Wvnn NOT VOTING-11

Ballenger Gephardt Janklow Gibbons Millender-Cramer Edwards McDonald Goss Owens Fossella Harman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1739

Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, and Mr. WEINER changed their vote from "yea" 'nay.

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

(Mr. OBEY asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks.)

IMPACT OF UPCOMING VOTE ON RULE ON LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FIS-CAL YEAR 2004

Mr. OBEY. Mr. Speaker, I take this time to speak out of order so that the gentleman from Florida and I might be allowed to explain a procedural matter before the House.

Mr. Speaker, it is important that Members who were not on the floor for an earlier discussion not be mousetrapped on the coming vote. I think it is important for them to understand the following, and I want to ask the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. NEY) whether this is correct.

It is my understanding that a vote for the rule on the legislative branch appropriations bill will enable Members to express their desire that the previous provision which was discussed on the floor in the earlier vote, which would have had the effect of expanding dental care for Members of Congress and our staffs, will be eliminated from that bill. So if Members want to be on record opposed to that proposition, they will need to vote "yes" on the rule.

I would ask the gentleman from Florida if that understanding is correct.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida, Mr. Speaker. the gentleman is exactly correct. We made a correction that was necessary; and as the gentleman from Georgia (Mr. LINDER) when he presented the rule acknowledged, we agree with that. A vote for the rule not only passes the rule, but it also eliminates the matter that we were concerned about.

Mr. LINDER. Mr. Speaker, will the gentleman yield?
Mr. OBEY. I yield to the gentleman

from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman was on the floor when this happened and knows that we tried to explain at the time that the amendment to the rule was effectively a striking amendment that said that, if the rule passes as amended, in no way will any expansion of vision or dental benefits occur.

The gentleman made it very clear he would not mind debating that on the floor of the House and having an open discussion of it and maybe passing an expansion of vision and dental benefits, but to pass this rule as amended would allow us not to sneak it in. So to pass this rule as amended is a striking amendment to prohibit any expansion of benefits without a vote by the House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for that explanation.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, the gentleman is correct. As has been described by the two previous speakers, I want to frame very quickly one side of this that I think we need to discuss.

Someone asked who put this in, that they ought to be fired. I did it. Now, anyone that can fire me, there are some 600,000 people in the 18th congressional district, so I want to make that clear. This has transcended about a year and a half period of time.

□ 1745

I want to frame the argument here, and that is that it extends to the full staff, Democrat and Republican or Independent or Natural Law Party or whatever they are, of the entire House.

Now, when I say that, I would argue to anybody in this country that the staff of this House on either side of the aisle are not second-class citizens of this country, and they have the right to dental and eye vision as any other person, and I hope we can take care of the entire country that way. But to single out the staff of the U.S. House. as we have for a period of years, I do not think is fair. I hope down the line we can discuss this

Now, as far as someone not knowing what went where, this was not done at midnight, I discussed this, I brought it forth. So there are some misunderstandings, and I accept that, but I hope that we can also, in the calmness of debate on this down the road, realize that our people have every right to some type of benefit, and they have children, and they have families. And again, I hope we can help the entire country also, but let us not penalize the U.S. House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. I would simply point out that as was pointed out on both sides of the aisle, the issue was not whether our staff should have those benefits or that we should have those benefits; I want every American to have those benefits. The issue is whether or not that provision should be slipped into this bill without the knowledge of the Committee on Appropriations on either side of the aisle, without any single Member of this House, except the Member who just spoke, knowing about it, evidently. We simply did not want Members to wake up after they have voted for this bill to find out that they were going to be subjected to a 30-second TV spot because something had been slipped into the bill. Not a single reference was made in the budget justifications to this item.

So the point that the gentleman from Georgia (Mr. LINDER) and I were making is not that this benefit should not be provided. It should not be provided without Members of Congress knowing what it is they are voting on, and it should not be provided without open, public debate.

Royce

Majette

Gonzalez

Goodlatte

Goode

Gordon

Granger

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Virginia, the ranking member of the subcommittee of jurisdiction.

Mr. MORAN of Virginia. Mr. Speaker, I thank the ranking member of the Committee on Appropriations. As the gentleman said, I am the ranking member on the Subcommittee on Legislative branch appropriations, and the gentleman from Georgia (Mr. KING-STON) is the Chair of the Subcommittee on Legislative branch appropriations.

One of the most objectionable things about this, and I know the gentleman from Ohio (Mr. NEY) recognizes this at this point, is that we had a full set of hearings; Mr. Eagan testified, as did all of the officers of the House. At no point was it ever mentioned that this provision was going to be added. So neither the gentleman from Georgia (Mr. KING-STON) nor I were aware that this was part of the bill.

I grant my colleagues, it is not a whole lot of money, but it could have a whole lot of political impact if we get hit with a 30-second ad, and any of us on either side of the aisle are liable for this, that here we just passed a prescription drug benefit, and there are a lot of people complaining about limited coverage under Medicare, and then, within the same week, we take care of ourselves by expanding benefits for dental and vision. That is the problem.

Again, we have no question but that the gentleman's intentions were not only honorable, but we appreciate the fact that the gentleman was looking out for all of the Members of the House, the staff, and their families, et cetera.

But in the course of the discussion, the debate that occurred earlier today, we wanted to emphasize, we are not opposed to expanding and adding this coverage; it is just that we do not want to do it just for ourselves, particularly at this point in time. It just does not seem to be the principled way to go about it. And we would love to have that; at least on this side of the aisle we would love to have that coverage. but for everybody, not just for us.

Mr. OBEY. Mr. Speaker, I appreciate the indulgence of the House at this late hour. I yield once more to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I appreciate the gentleman yielding.

I just want to make this clear: It was in a document. I appreciate what the gentleman is saying about we will work on this, but this was in a document that I requested, in the CAO's document. So maybe it was not mentioned. It was not intentional, but it was in a document that was presented. The CAO's budget was in writing, and I

need to make that clear.

I thank the gentleman for yielding. Mr. OBEY. Mr. Speaker, reclaiming my time, the point is simply that it is up to Members how they want to vote, but if Members want to be on record opposed to that expansion under these provisions, they would vote "aye" for the rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Without objection, the remaining votes in this series still will be conducted as 5-minute votes.

There was no objection.

PROVIDING FOR CONSIDERATION H.R. 2657. LEGISLATIVE BRANCH APPROPRIATIONS ACT,

The SPEAKER pro tempore. The pending business is the de novo vote on agreeing to the resolution, House Resolution 311, as amended.

The Clerk read the title of the resolu-

The SPEAKER pro tempore. The question is on the resolution. amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 411, noes 13, not voting 10, as follows:

[Roll No. 342]

AYES-411 Abercrombie Brown (SC) Davis, Tom Brown, Corrine Brown-Waite, Ackerman Deal (GA) DeFazio Aderholt Akin DeGette Alexander Burgess Delahunt Allen Burns DeLauro Andrews Burr Burton (IN) DeMint Baca Bachus Deutsch Buyer Diaz-Balart, L. Calvert Baird Diaz-Balart. M. Baker Camp Baldwin Cannon Dicks Ballance Cantor Dingell Ballenger Capito Doggett Barrett (SC) Capps Dooley (CA) Bartlett (MD) Capuano Doolittle Barton (TX) Cardin Dovle Cardoza Dreier Bass Beauprez Carson (IN) Duncan Carson (OK) Becerra Dunn Carter Ehlers Bereuter Case Emanuel Castle Berkley Emerson Berman Chabot English Berry Chocola Etheridge Biggert Clyburn Evans Bilirakis Coble Everett Bishop (GA) Cole Farr Bishop (NY) Collins Fattah Bishop (UT) Convers Feeney Blackburn Cooper Ferguson Costello Filner Blumenauer Blunt Cox Flake Boehlert Crane Fletcher Boehner Crenshaw Foley Crowley Bonilla Forbes Bonner Cubin Ford Frank (MA) Bono Culberson Cummings Cunningham Boozman Franks (AZ) Boswell Frelinghuysen Boucher Davis (AL) Frost Boyd Bradley (NH) Davis (CA) Gallegly Davis (FL) Garrett (NJ)

Davis (IL)

Davis (TN)

Davis, Jo Ann

Brady (PA)

Brady (TX)

Brown (OH)

Graves Green (TX) Green (WI) Greenwood Grijalva Gutierrez Gutknecht Harris Hart Hastings (FL) Hastings (WA) Haves Hayworth Hefley Hensarling Herger Hill Hinchev Hinojosa Hobson Hoeffel Hoekstra Holden Honda Hooley (OR) Hostettler Houghton Hoyer Hulshof Hunter Hvde Inslee Isakson Israel Issa Istook Jackson (II.) Jackson-Lee Jefferson Jenkins John Johnson (CT) Johnson (IL) Johnson, E. B. Johnson Sam Jones (NC) Kanjorski Kaptur Keller Kelly Kennedy (MN) Kildee Kilpatrick Kind King (IA) King (NY) Kingston Kleczka Kline Knollenberg Kolbe Kucinich LaHood Lampson Langevin Larsen (WA) Larson (CT) Latham Leach Lee Levin Lewis (CA) Lewis (GA) Lewis (KY) Linder Lipinski LoBiondo Lofgren Lowey Lucas (KY) Lucas (OK) Lynch

Markey Marshall Matheson Matsui McCarthy (MO) McCarthy (NY) McCollum McCotter McCrery McDermott McGovern McHugh McInnis McIntyre McKeon McNulty Meehan Meek (FL) Meeks (NY) Menendez Mica Michaud Miller (FL) Miller (MI) Miller (NC) Miller, Gary Moore Moran (KS) Moran (VA) Murphy Musgrave Nadler Napolitano Neal (MA) Nethercutt. Neugebauer Ney Northup Norwood Nunes Nussle Obersta Obey Olver Osborne Ose Otter Oxlev Pallone Pascrell Pastor Paul Payne Pearce Pelosi Pence Peterson (MN) Peterson (PA) Petri Pickering Pitts Platts Pombo Pomeroy Porter Portman Price (NC) Pryce (OH) Putnam Quinn Radanovich Ramstad Rangel Regula Rehberg Renzi Reyes Reynolds Rodriguez Rogers (AL) Rogers (KY) Rogers (MI) Rohrabacher Ros-Lehtinen Rothman Roybal-Allard

Ruppersberger Maloney Manzullo Rush Ryan (OH) Rvan (WI) Ryun (KS) Sabo Sanchez, Linda Sanchez Loretta Sanders Sandlin Saxton Schakowsky Schiff Schrock Scott (GA) Scott (VA) Sensenbrenner Serrano Sessions Shadegg Shaw Shays Sherman Sherwood Shimkus Shuster Simmons Simpson Skelton Slaughter Smith (MI) Smith (NJ) Smith (TX) Smith (WA) Snyder Solis Souder Spratt Stark Stearns Stenholm Strickland Stupak Sullivan Sweeney Tancredo Tanner Tauscher Tauzin Taylor (MS) Taylor (NC) Terry Thomas Thompson (CA) Thompson (MS) Thornberry Tiahrt. Tiberi Tierney Toomey Turner (OH) Turner (TX) Udall (CO) Udall (NM) Upton Van Hollen Velazquez Visclosky Vitter Walden (OR) Walsh Wamp Waters Watson Watt Waxman Weiner Weldon (FL) Weldon (PA) Weller Wexler Whitfield Wicker Wilson (NM) Wilson (SC) Wolf Woolsey Wu Young (AK) Young (FL)

NOES-13

Kennedy (RI) LaTourette Miller, George Mollohan Murtha

Clay

Engel

Eshoo

Jones (OH)

Holt

Gerlach

Gillmor

Gilchrest

Rahall Towns Wvnn